

(C) by adding at the end the following new subparagraph (B):

“(B) For the first month of each quarter, semester, or term, as applicable, of the program of education pursued by the individual, a lump sum amount for books, supplies, equipment, and other educational costs with respect to such quarter, semester, or term in the amount equal to—

“(i) \$1,000, multiplied by

“(ii) the fraction which is the portion of a complete academic year under the program of education that such quarter, semester, or term constitutes.”.

(2) **TECHNICAL AMENDMENT.**—Clause (ii) of subsection (e)(2)(A) of such section, as redesignated by paragraph (1)(A) of this subsection, is amended by adding a period at the end.

SEC. 4. MODIFICATION OF ASSISTANCE FOR LICENSURE AND CERTIFICATION TESTS.

(a) **REPEAL OF LIMITATION ON NUMBER OF REIMBURSABLE TESTS.**—Subsection (a) of section 3315 of title 38, United States Code, is amended by striking “one licensing or certification test” and inserting “licensing or certification tests”.

(b) **CHARGE OF ENTITLEMENT FOR RECEIPT OF ASSISTANCE.**—Such section is further amended by striking subsection (c) and inserting the following new subsection (c):

“(c) **CHARGE AGAINST ENTITLEMENT.**—The charge against entitlement of an individual under this chapter for payment for a licensing or certification test under subsection (a) shall be charged at the rate of one month for each amount equal to 1/12 of the amount of the average of the established charges at all institutions of higher learning in the United States for a program of education leading to a baccalaureate degree as determined by the National Center for Education Statistics of the Department of Education for the most recent academic year.”.

SEC. 5. TRANSFER OF ENTITLEMENT TO SUPPLEMENTAL EDUCATIONAL ASSISTANCE TO POST-9/11 EDUCATIONAL ASSISTANCE.

(a) **IN GENERAL.**—Section 3316 of title 38, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by inserting after subsection (b) the following new subsection (c):

“(c) **TRANSFER OF SUPPLEMENTAL EDUCATIONAL ASSISTANCE.**—

“(1) **IN GENERAL.**—An individual entitled to supplemental educational assistance under subchapter III of chapter 30 of this title may transfer such entitlement to entitlement for supplemental educational assistance under this section. Such individual shall receive entitlement to one month of supplemental educational assistance under this section for each month of entitlement to supplemental educational assistance so transferred.

“(2) **RATE.**—The monthly rate of supplemental educational assistance payable to an individual who transfers entitlement under paragraph (1) shall be payable at the same rate as such entitlement would otherwise be payable to such individual under subchapter III of chapter 30 of this title.

“(3) **NATURE OF TRANSFERRED ENTITLEMENT.**—An amount of supplemental educational assistance transferred under paragraph (1) shall be payable as an increase in the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c) of this title, or under paragraphs (2) through (7) of such section 3313(c) (as applicable).”.

(b) **CLARIFICATION ON REIMBURSEMENT OF INCREASED OR SUPPLEMENTAL ASSISTANCE.**—Such section is further amended by inserting after subsection (c), as added by subsection (a)(2) of this section, the following new subsection (d):

“(d) **REIMBURSEMENT.**—Any expense incurred by the Secretary for the provision of increased assistance or supplemental assistance to an individual under this section shall be reimbursed by the Secretary concerned.”.

SEC. 6. TRANSFER OF UNUSED EDUCATION BENEFITS TO FAMILY MEMBERS.

(a) **ADMINISTRATION OF TRANSFERS OF ENTITLEMENT BY INDIVIDUALS NO LONGER MEMBERS OF THE ARMED FORCES.**—Section 3319(h) of title 38, United States Code, is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph (7):

“(7) **ADMINISTRATION FOR INDIVIDUALS NO LONGER MEMBERS OF THE ARMED FORCES.**—The Secretary of Defense shall administer the provisions of this section with respect to individuals who are discharged or released from the Armed Forces, including the making of any determinations of eligibility of such individuals for transfers of entitlement under this section and the processing of applications to transfer, modify, or revoke entitlement under this section.”.

(b) **APPLICABILITY OF ENTITLEMENT AUTHORITY TO MEMBERS OF PUBLIC HEALTH SERVICE AND NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.**—Section 3319 of such title is amended by striking subsection (k).

(c) **REIMBURSEMENT OF EXPENSES OF SECRETARY OF VETERANS AFFAIRS BY SECRETARY CONCERNED.**—Such section is further amended by adding at the end the following new subsection (k):

“(k) **REIMBURSEMENT OF EXPENSES OF SECRETARY OF VETERANS AFFAIRS BY SECRETARY CONCERNED.**—Any expense incurred by the Secretary for the provision of educational assistance under subsection (a) to a dependent described in such subsection shall be reimbursed by the Secretary concerned.”.

(d) **TECHNICAL CORRECTION.**—Subsection (b)(2) of such section is amended by striking “to section (k)” and inserting “to subsection (j)”.

SEC. 7. LIMITATIONS ON RECEIPT OF EDUCATIONAL ASSISTANCE UNDER NATIONAL CALL TO SERVICE AND OTHER PROGRAMS OF EDUCATIONAL ASSISTANCE.

(a) **BAR TO DUPLICATION OF EDUCATIONAL ASSISTANCE BENEFITS.**—Section 3322(a) of title 38, United States Code, is amended by inserting “or section 510” after “or 1607”.

(b) **LIMITATION ON CONCURRENT RECEIPT OF EDUCATIONAL ASSISTANCE.**—Section 3681(b)(2) of such title is amended by inserting “and section 510” after “and 107”.

SEC. 8. APPROVAL OF PROGRAMS OF EDUCATION CONSISTING OF DISTANCE LEARNING.

(a) **NONACCREDITED COURSES PURSUED BY DISTANCE LEARNING.**—Section 3676(e) of title 38, United States Code, is amended by inserting “or distance learning” after “independent study”.

(b) **DISAPPROVAL OF ENROLLMENT IN NONACCREDITED COURSES OF DISTANCE LEARNING.**—Section 3680A(a)(4) of such title is amended by inserting “or distance learning” after “independent study” each place it appears.

(c) **RULEMAKING.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall prescribe regulations under section 3323(c) of such title for the administration and approval of programs of education that consist of distance learning.

(d) **DISTANCE LEARNING DEFINED.**—In this section, the term “distance learning” has the meaning given the term “distance education” in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

SEC. 9. INCREASE IN AMOUNT OF REPORTING FEE.

Section 3684(c) of title 38, United States Code, is amended—

(1) by striking “multiplying \$7” and inserting “multiplying \$12”; and

(2) by striking “or \$11” and inserting “or \$15”.

SEC. 10. AMOUNT OF SUBSISTENCE ALLOWANCE FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES.

Section 3108(b) of title 38, United States Code, is amended by adding at the end the following new paragraph:

“(4) A veteran entitled to subsistence allowance under this chapter may elect to receive payment from the Secretary, in lieu of an amount otherwise determined by the Secretary under this subsection, an amount equal to the national average of the monthly amount of basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E-5.”.

SEC. 11. REPEAL OF AUTHORITY TO MAKE CERTAIN INTERVAL PAYMENTS.

Section 3680(a) of title 38, United States Code, is amended after the flush matter—

(1) in subparagraph (A), by adding “or” at the end;

(2) in subparagraph (B), by striking “; or” and inserting a period; and

(3) by striking subparagraph (C).

By Mr. ROCKEFELLER (for himself and Mr. BYRD):

S. 3450. A bill to require publicly traded coal companies to include certain safety records in their reports to the Commission, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. ROCKEFELLER. Mr. President, it is time to take mining companies' safety records out of the darkness and bring some much-needed transparency and accountability to the industry.

Today, I am introducing legislation that would require any publicly-traded mining company to include critical mine safety information in its annual and quarterly filings with the Securities and Exchange Commission, SEC.

Shareholders have a direct interest in the safety record of any company they invest in—because safety has as much of an impact on a company's long-term financial health as its mining production.

But today, this safety information is not uniformly reported across the industry. My bill fixes this inconsistency and gives investors the information they need to hold corporate management responsible for the safety record of a company.

That is what my bill is all about: providing shareholders with standard information that can be used to measure and compare safety records across the industry. Specifically, my legislation would require any publicly-traded mine company to report the following information in their annual and quarterly filings with the SEC:

The total number of significant and substantial violations of mandatory health or safety standards;

The total number of failure to abate orders issued under section 104(b) of the Mine Act;

The total number of citations and orders for unwarrantable failure of the